

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) **IAN RUPERT,**

Plaintiff,

vs.

(1) **CREDIT CONTROL, LLC and**

(2) **LVNV FUNDING, LLC,**

Defendants.

5:21-cv-00465-J

MOTION FOR ENTRY OF DEFAULT BY THE CLERK

COMES NOW the Plaintiff, Ian Rupert, through his attorney, Victor R. Wandres, and hereby requests that this Honorable Court direct the Clerk of this Court to enter a default against Defendant, LVNV Funding, LLC. In support thereof, Plaintiff states as follows:

1. Plaintiff filed his Complaint against on May 7, 2021. [Doc. 1].
2. Plaintiff's Complaint alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. [Doc. 1].
3. Plaintiff seeks statutory and actual damages pursuant to the above-mentioned cause of action, reasonable attorney's fees and court costs. [Doc. 1].
4. On May 13, 2021, LVNV Funding, LLC was served with Plaintiff's Complaint and Summons. *See* Service Returned Executed and referenced exhibits [Doc. 4].

5. Defendant LVNV Funding, LLC's Answer to Plaintiff's Complaint was due to be filed on or before June 3, 2021.

6. Federal Rule of Civil Procedure 55(a) provides that "when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

7. Defendant LVNV Funding, LLC is not a minor or an incompetent person. Defendant LVNV Funding, LLC is not serving in our country's armed forces. It is a company.

8. Defendant LVNV Funding, LLC has failed to plead or otherwise defend itself against Plaintiff's Complaint.

WHEREFORE, Plaintiff respectfully requests this Honorable Court grant his instant request and direct the Clerk of this Court to enter a default against Defendant, LVNV Funding, LLC for failure to timely plead or otherwise defend against Plaintiff's Complaint.

Respectfully Submitted,

/s/ Victor R. Wandres
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